

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RUFUS BYERS,

Plaintiff,

v.

2:15-cv-00024-MCA-LF

BERNALILLO COUNTY METROPOLITAN  
DETENTION CENTER DIRECTOR-JOHN DOE;  
BERNALILLO COUNTY BOARD OF COMMISSIONERS;  
RAMON C. RUSTIN, CHIEF OF CORRECTIONS DEPARTMENT;  
TOM ZDUNEK, COUNTY MANAGER; AND  
THOMAS E. SWISSTACK,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED  
FINDINGS AND RECOMMENDED DISPOSITION**

The magistrate judge filed her Proposed Findings and Recommended Disposition on June 20, 2016. Doc. 24. The proposed findings notified plaintiff Rufus Byers of his ability to file objections within fourteen (14) days, and that failure to do so waives appellate review. To date, Byers has not filed any objections, and there is nothing in the record indicating that the proposed findings were not delivered.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

1. The magistrate judge's Proposed Findings and Recommended Disposition (Doc. 24) is ADOPTED;
2. Defendants' motion for summary judgment (Doc. 19) is GRANTED as to counts I, II, and III of Byer's complaint, and those claims are dismissed **with prejudice**;
3. The Court declines to exercise supplemental jurisdiction over Byer's state tort law claims and, therefore, remands counts IV and V to state court.
4. A final order is entered concurrently with this order.

  
UNITED STATES DISTRICT JUDGE